



The Docket

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THE DOCKET

Vol. XXII, No. 5

THE VILLANOVA SCHOOL OF LAW

February, 1986

Then There Were Four

by Bill Strauss

The semi-final teams of the Theodore L. Reimel Moot Court Competition are Mason Aurigian and Carolyn Moran, David Wiedis and Libby White, Daniel Altshuler and Justin McCarthy, and David Molnar and Karen Buck. The pairings for the semi-final round, which were determined as of January 30, are Aurigian/Moran (Petitioners) v. White/Wiedis (Respondents) and Altshuler/McCarthy (Petitioners) v. Buck/Molnar (Respondents).

The semi-final round will take place on Monday, February 24th

in rooms 29 and 103. The judges who will hear the arguments will be from Federal District Courts. Most of the judges will be from the Eastern District of Pennsylvania.

Parking Lot Gets Facelift

by Bill Strauss

For those who have not noticed or heard (due to some intense studying or partying), renovations are being made to the Law School parking lot. Workers are erecting a guardhouse at County Line Road, constructing an exit on County Line Road, and separating the front and rear lots by a chain.

The new guardhouse will be manned, but the entrance from County Line Road will be closed when unmanned. The guardhouse on Route 320 will be manned 24 hours a day, so the 320 entrance will always be open. That entrance will be the only feasible access route for vehicular traffic to the parking lot behind

the Law School when the new guardhouse is unmanned.

For now, the construction means some temporary hassles for students. People trying to use the County Line Road Entrance have recently found their way occasionally blocked by large construction vehicles, gouged out holes in the concrete, and workers taking care of the first two problems (or just standing in the road). More recently, the County Line Road guardhouse has been completed and staffed. This way students arriving via County Line Road can be greeted in the morning by the smiling countenance of a Villanova Security guard.

Construction of Villanova University's new fieldhouse, named after John E. DuPont, necessitated certain zoning changes to allow more parking. These zoning changes mandated the current renovations.

As a result more space will be available to park by preventing unauthorized persons from parking in the lot. Dean Robert Garbarino, who was fully informed by the University about the parking lot renovations, said, "work should be completed in about two weeks, weather permitting."

Garbarino told university officials that more attention should be paid to the entrances during snowstorms due to their steepness. Also, he wanted a "No Right Turn on Red" sign at the corner of County Line Road and Route 320. The sign is now at the County Line Road exit of the lot without having to fight traffic.



Signs of the times: Restricted Access and a guardhouse are part of the renovations to the VLS parking lot.

Yearbook Plans Drawn

by John Serpico

Imagine yourself 20 years from now. You're pushing your prematurely gray hairs out of your face and reminiscing about the "good ol' days" at VLS. Remember David Glickman who was always tan and who danced at all the TGIF's? Remember the rugby and softball games? How about the Barrister's Ball and the Halloween party? Remember Professor Barry? Yep, there were a lot of good memories!

Plans for putting together this year's yearbook are already underway. A publisher and portrait photographer have been selected. Portraits will be taken by Lindelle Studios located at 938 Montgomery Ave. in Narberth, (664-4107), on Feb. 3 and Feb. 6, between 1-8 p.m. These sittings are for those students who have not had their portraits taken last semester by the University and for those who wish to retake their photograph. Came out ugly? — Make an appointment. (All 3rd year portraits will be included in the yearbook.)

A questionnaire will be circulated through the VLS newsletter. Please fill it out as soon as possible and leave it in the SBA mailbox located in the coffee room. This questionnaire is crucial in producing a yearbook that you want. If you hold your peace now, no complaints later! Suggestions are strongly suggested.

Most importantly is the need for photographs from the past three years. If anyone has any photographs or materials that they would like to see in the yearbook, please submit them to the SBA. All photographs will be returned at the end of the semester. Most photographs in the book will focus on all students (including 1st, 2nd and 3rd-year students) during the last year so all students are invited to submit material. All students are also invited to buy the book.

The price and other details will be determined after the questionnaire is evaluated and by anyone who wishes to participate in creating the 1986 yearbook. Anyone interested in helping put the book together can contact the SBA (Lenore Myers). This will involve layout, copy and photography. All film will be developed by the publisher.

The book will be distributed during the last week of classes so that everyone can enjoy the book together before we all go our separate ways.

Law Review Symposium:

What is the Purpose of Tax Code?

The federal tax code — should it simply be a means to raise revenue for government spending — or should its purpose be more ambitious, to provide incentives and deterrents to various kinds of social behavior? This question will be among those addressed by a number of nationally known figures in the field of tax policy at the Villanova Law Review's Twentieth Annual Symposium, to be held at Villanova University School of Law on February 22, 1986.

The 1986 Symposium will feature a panel discussion that will include Dr. Charles E. McLure, Jr., former Deputy Assistant Secretary for Tax Analysis, United States Treasury Department and currently Senior Fellow at the Hoover Institute of Stanford University, and David H. Brockway, Chief of Staff of Congress' Joint Committee on Taxation. Also participating in the panel will be Bernard Wolfman, Fessenden

ington, D.C., Nancy Shurtz, Professor at the University of Oregon School of Law and formerly of the Wharton School, University of Pennsylvania, and Professor William L. Tunnier, currently Visiting Professor of Law at the University of Texas.



Law Review Editor Dave Moffitt.

Professor of Law at Harvard University, Judge Edna Parker of the United States Tax Court in Wash-

ington, D.C., Nancy Shurtz, Professor at the University of Oregon School of Law and formerly of the Wharton School, University of Pennsylvania, and Professor William L. Tunnier, currently Visiting Professor of Law at the University of Texas.

The Tax Policy Symposium will begin at one o'clock on the afternoon of Saturday, February 22, 1986, at Garey Hall on the Villanova University campus. Participating speakers will give individual presentations that will be followed by a question and answer period moderated by Professor Wolfman. A wine and cheese reception will follow the Symposium for participants and audience alike.

Admission to the Symposium is free, and the public is invited to attend. Any questions should be directed to the Villanova Law Review at (215)645-7050.

Counseling Contest Begins

by P.F. Kulinski

On February 5, 1986, VLS will begin its fifth year of participation in the American Bar Association (ABA) sponsored Client Interviewing and Counseling Competition.

The competition was created by Professor Louis Brown and a colleague at the University of Southern California Law School in 1969. The premise of the competition is that while a majority of a practicing attorney's time is spent interviewing and counseling clients, most law schools do not emphasize these skills in their course schedule. Villanova does offer an Interviewing and Counseling Course. You do not have to take this course to do well in or to enter the competition. The ABA assumed sponsorship of the competition in 1973. This year, over 110 United States and Canadian schools will compete in the National Competition.

Last year, the Villanova Law School team, consisting of Kate Smith and Robert J. Nice, won the National Championship, held at Pepperdine University School of Law in Malibu, California. The

winning team was coached by Associate Dean Robert P. Garbarino, who will also coach the Villanova entry this year.

Each two-person team in the competition is presented with a short memorandum from a fictitious legal secretary setting up an appointment and briefly noting the reason the client wants the appointment. This year's problem is taken from the field of criminal law. The client and judges receive a detailed confidential profile of the problem. The judges then observe the attorney team, via video camera or some other means, as they interview the client in a simulated law office setting for a period of thirty minutes.

This is followed by a fifteen minute period where the client leaves the room and the attorney team is observed by the judges as they discuss the problem and their course of action. The judges determine how well the student attorneys conduct themselves in eliciting all of the facts, analyzing the problem, and providing counsel or alternatives. No briefs or interview memos are involved. The level of preparation is left to

the discretion of the participating teams and may entail only a few hours of time.

Clients are first year and other non-participating students with some semblance of acting talent.

The intramural elimination rounds are judged by panels consisting of two alumni, preferably with experience in the field, and one faculty member. The finals at Villanova are judged by three alumni who are prominent experts in the field of law principally involved in the client's problem. Last year, thirty Law School graduates served as judges for 34 two-person teams, along with 23 student volunteers as clients.

The competition will be held from February 5, 1986, through the Final Round on February 24, 1986. The winners of the intramural Final Round will advance to the Regionals to be held at Temple Law School from February 28 to March 2, 1986. The Regional winner will move on to the National Finals, which will be held at St. Mary's University School of Law in San Antonio, Texas, from March 21 to March 22, 1986.

Black Law Students to Convene

Several hundred law students, attorneys, and other persons will convene at the Hershey Hotel, February 7, 8, & 9, 1986 for the annual Mid-East Regional Black Law Students Association Convention. The convention will be hosted by the Black Law Students Association of Villanova Law School.

The convention program will feature opening addresses by Mayor Wilson Goode, Dean Murray of Villanova Law School, Dean Singley of Temple Law School, and a panel of student leaders. The Honorable Tama Myers Clark is the scheduled guest speaker for the opening festivities. The three day event includes panel discussions on the following topics: corporate law; women in the legal profession; nuclear arms control; military law; and computer law.

On Saturday, February 8th at 12 p.m., there will be a luncheon which will feature United States Attorney, Edward S.G. Dennis as the guest speaker. At 8 p.m., the Honorable Juanita Kidd Stout will speak at the convention's banquet.

The Black Law Students Association's Mid East Region is composed of schools from New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia. The convention committee may be contacted at Villanova Law School, Garey Hall, Villanova, Pennsylvania 19085, and by phone at 215-645-7000. Please ask for Debra Washington or Lisa Couvertier.

EDITORIALS

Reaching Out to Acquire Practical Skills

On the Richter scale of law students' complaints, the lack of instruction in "practical lawyering skills" is probably second only to the Socratic method.

How many first-year students know what a prothonotary is, let alone where to find one, or what to find in a prothonotary's office? And, how many law school graduates know how to approach a client who has just been arrested on an assortment of assault and armed robbery charges? Those brown bag luncheon lecturers told you how to get a job, but they never mentioned that.

The point is this: first, beginning lawyers need practical skills; the sooner they acquire them, the better. Second, if law school curriculum at best touches on these sorts of skills, then students must pursue them on their own.

This is where the Client Counseling Competition and other skills-oriented contests come in. You've got to enter to learn. The Client Counseling Competition, for example, is sponsored by the Law Student Division of the American Bar Association. The scope of the contest is, "A test of counseling skills necessary for professional competence in legal practice, including the ability: to conduct the initial interview with the client, perhaps defining or redefining his or her problems, to suggest a plan for his or her future course of conduct, utilizing preventive law techniques and to deal with the psychological overtones of the interview."

Entering doesn't require any brief, lengthy or otherwise, nor any prepared oration. For those who have other timely commitments besides class, these sort of competitions offer a valuable opportunity to acquire useful skills with a bare-minimum time investment.

Competent counseling of clients or laymen is a skill demanded in every specialty of law. Every student has something to gain in entering at least one competition — whether it be the Reimels or Client Counseling — during their three years of law.

The Villanova Parking Lot Blues

Dear Docket,

I applaud the administration's recent efforts to make our parking area more secure, but I believe that these efforts are not enough. The fact that the lot will be off limits to unauthorized cars is a good start, but what about unauthorized pedestrians? For example, who was patrolling when someone cut down the Ceremonial tree given by section A to Prof. Collins? I think he would prefer to see armed guards, barbed wire fences, killer dog patrols, and broken glass on the top of the twenty foot wall to keep the parking lot safe from intruders. Besides, as it stands now, the parking lot is very much like the French city of Ypres during World War One trench warfare. And also, the letter explaining why the reconstruction was to take place was full of Class A legalese. Maybe the author should take a course in Legal Writing.

Sincerely,
Bernard M. Resnick

Tenure Committee Seeks Help

The Law School Tenure Screening Committee is currently considering Professors James Maule and Ellen Wertheimer for tenure. The Committee would be pleased to receive the views of students and alumni on the teaching effectiveness of these two professors. Any such views should be submitted **in writing** to Professor Murphy, chairman of the Committee, either by mailing them to Professor Murphy or by depositing them in his mailbox in room 210.

Prof. John Murphy

JDL Tactics Questionable

David Rothstein

"So long as one Jew lives opposite one gentile, the possibility of Holocaust remains."

Rabbi Meir Kahane

Back when I was in the eighth grade, a friend heard a younger kid call someone else a "fat, cheap Jew." In an instant and without a word, my friend proceeded to toss the maker of the anti-Jewish remark down a small flight of stairs.

Such an anecdote offers some insight into the workings of the Jewish Defense League (JDL). Founded by Rabbi Meir Kahane, this extreme right-wing organization was started for several interwoven purposes:

— To change the Jews' historical image as a scapegoat

— To instill self-respect and pride in Jews

— To protect Jewish persons, property, and lives by letting the "Jew-hater" know he will lose his

— To teach Jews that since the pain of any Jew is each Jew's own pain, each Jew is obligated to do whatever is necessary to defend a suffering Jew

"Whatever is necessary" has often meant retaliatory violence. One of the JDL's basic tenets is that the Holocaust taught Jews what can happen when they are passive, and aggression, in the form of defending Jews in need, can prevent a second genocide.

In this country, the JDL's active period — in terms of physical aggression — was between the late 60's and the mid to late 70's. It hasn't made too many violent waves in the 80's.

Hopefully, what occurred in Boston recently isn't a sign of things to come.

When it was announced that the Boston Bruins would play the Moscow Dynamo in an exhibition hockey game on Jan. 5, the JDL didn't like it. Although Russian hockey squads tour the US often without protest, the Dynamo is not your average team: it represents the KGB which has been, among other things, implicated in committing civil rights atrocities against Soviet Jews.

The JDL's initial response was a peaceful one. It wrote a letter to the *Boston Globe*, to try to inform the public of the situation. Also, Kenneth Sidman, chairman of the JDL's Boston chapter, asked the Bruins' management to halt the game.

But when the Bruins refused, Sidman went a step further. In a Dec. 15 letter to the Bruins, he threatened that there would be violence if the contest occurred.

"The Jews who defend other Jews with violence are right."

Rabbi Meir Kahane

On Jan. 5 — about three hours before the game and one hour be-

fore the JDL commenced a peaceful protest in front of the Boston Garden — an anonymous caller told the Associated Press that there was a bomb inside the Garden.

Sure enough, the police found and later defused a live hand grenade hooked to a timing device, in a garbage can on the first floor of the Garden. No innocent people were hurt. The Dynamo beat the Bruins, 6-4.

The FBI initiated an investigation of the incident but, as suspect as the JDL seemed to be at a glance, it is improbable that it actually planted the bomb. Sidman condemned the act and, besides, it would be silly to threaten violence, plant a bomb, and then stand outside the police-infested bomb site while it is found.

More likely, the culprit was either someone who wanted to frame the JDL, or who wanted even more to "make a statement" to the Dynamo.

Even though the JDL probably had nothing to do with the bomb, its Dec. 15 threat could blow up in its political face. The threat was an imprudent, stupid move.

Somewhere along the line the JDL equated violence and valiance when, at least in this context, it is a manifestation of weakness, laziness, and cowardice.

Threatening the Bruins was just too easy. If the JDL were half as brave as it thought it was it would have lobbied ferociously for its cause in the weeks before the game, facing the public head-on. Maybe, as a result of perseverance and determination, it would have gained at least a partial boycott of the game (more than 11,000 fans attended the Sunday night exhibition).

From the practical standpoint, the JDL should have foreseen that its feeble coercive approach would fail. These days the populace, like the government, turns a deaf ear to terrorist-like demands, but it heeds the peace-loving, energetic calls of such figures as Bishop Tutu and Live Aid organizer Bob Geldof.

In an age when Americans cancel their trips to Europe for fear of being blown up or kidnapped in an airport, how could Sidman believe that his cheap Khadaffy impersonation would do anything but alienate both the Bruins and the public from his cause?

The episode should show the JDL that its violent ways are counterproductive and wrong. If it really wants to help the Jewish people of this world who suffer, let it sharpen its debating skills instead of its bayonettes. If it insists on making threats, the only ones it will help are its critics.

THE DOCKET

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Changing Seasons in Happy Valley

(Continued from page 3)

Johnson residences. There, they ran into some slight problems. In order to increase their sense of security, both combatants began to kidnap various paraders and hold them as hostages. After all, one would be much less likely to launch any Big Bang Baby Boomeroos if it was likely that several innocent people, who may even be

one's own friends, might be turned into pre-cooked chop suey as a result.

Property values plummeted. Moral (with apologies to Ray Davies): I'd really like to change the world/ Save it from the mess it's in/ But I'm so weak; I'm so thin/ I'd like to fly but I can't even swim.

The Challenger Tragedy...

Learning From A Loss

Vincent J. Felletter, Jr.

Christa McAuliffe, a school teacher from Concord, N.H., died at 11:39 a.m. on the 28th of January as her 100-ton spacecraft exploded into a cloud of flames, smoke and tumbling debris. Six other human beings, fellow travellers on what was to be a voyage of discovery, perished along with her. Seven small, fragile lives, launched from a globe containing four billion more. Their voyage was to bring us knowledge, lessons from space with the entire Earth as the classroom. And yet, in the fiery, sudden end to their tragic mission, Christa and her colleagues may have taught us the most valuable lesson of all.

All the world seemed to identify with the 37 year old social studies teacher. She was Everywoman, and Everyman. Perhaps she embodied the small spark contained within all of us who have grown during this age of space, that hidden desire that we too might someday touch the stars. Not a highly-trained specialist embarking on the culmination of a life's worth of preparation, she was a

more spontaneous adventurer. Into a life of everyday responsibilities, common to us all, a chance to experience and share something new and exciting presented itself, and Christa McAuliffe dared. Along with her went the hopes and dreams of all the rest of us "little people" upon this blue-green orb. One of us, and hence a part of us, was going to journey among the stars.

When those hopes were lost in that fiery explosion, we all felt betrayed. Thirty seven year old human beings aren't supposed to die in the middle of a clear-blue Florida sky. We all had so much of ourselves riding on this flight, it was supposed to turn out right. Those are **our** dreams up there being so brutally snuffed out.

Instead, we're left haunted by the image of shock and disbelief upon Christa's parents' faces as they realized that something had gone terribly wrong. Dreams are fragile things, and reality can sometimes bring them to a terrible end.

But, in watching the tape of those seven astronauts on their

way to board their craft one final time, I'm convinced that their dream didn't die. I see it in the bounce of their step and the warmth of their smiles as they set out to share with us their voyage of hope. And in their sudden tragic loss, they have shown us how precious life itself is. Christa McAuliffe has shown us all how an average person can capture and carry the hope of us all as a species. And in the world-wide mourning of her loss she has shown us that in this chaotic world, with its hatred and anger, we can all pause and mourn the passing of one of our own.

She and her six fellow voyagers have shown us that life isn't just making it through the day to day rat-race. It's also daring to look beyond such petty things, to the wonder of sharing our short but oh-so-special visit on this planet. Life is special, and it's all of us that make it so. Someday, when the little problems get me down, I'm gonna look up into that clear-blue sky and remember the dream of Christa McAuliffe.

By No Means....

Junk Bonds Are Not Trash

By Walter Lucas
Docket Financial Writer

When a General Electric gobbles up an RCA, that's business as usual in the corporate jungle. But when a small fry like Ted Turner tenders a takeover bid for a big fish like CBS, that raises some eyebrows. After all, he and his investment bankers structured the deal so that NO money would change hands. Turner's deal for CBS didn't pan out (he settled for MGM/UA, the motion picture

giant), but scores of cash-less takeovers did last year.

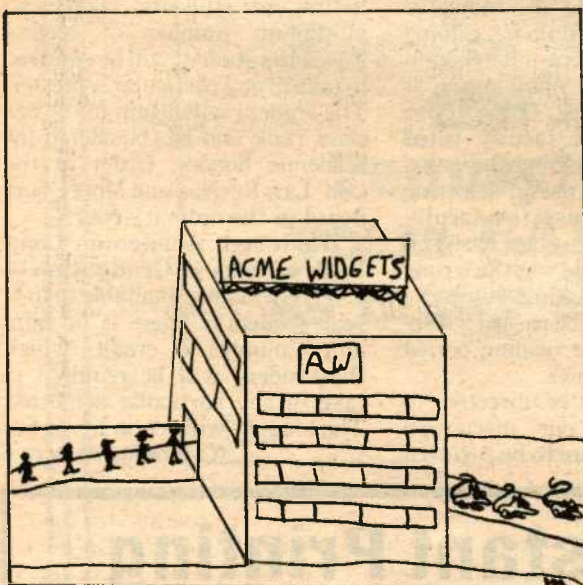
You'll be reading a lot less of it this year. That's because the Federal Reserve Board rang in 1986 with new rules that limit the use of debt in takeovers to half the purchase price. And like most of us, corporations buy on credit. Those without a big enough credit line have, in recent years, extended theirs through the use of so-called "junk" bonds.

The junk bond market has been

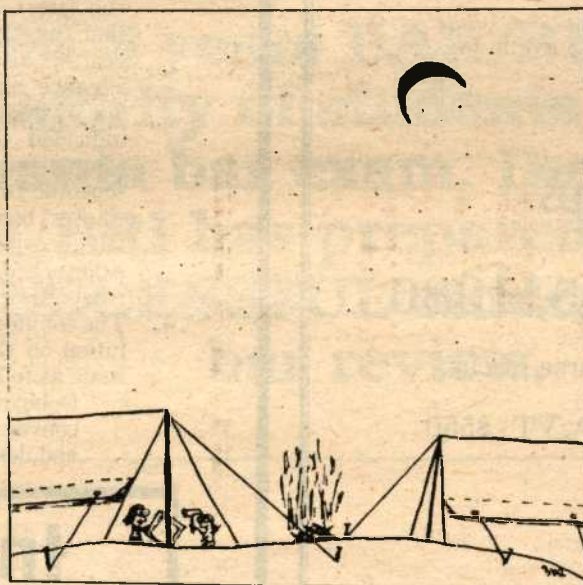
changing fast. It used to consist predominantly of the bonds of once top-rated companies that had fallen, temporarily, on hard times. Now, takeover barons form new "shell" corporations solely for the purpose of issuing new bonds to finance their acquisitions. The bonds, secured only by the stock of the company that will be taken over, are junkers right from the start. More decorously known on Wall Street as "high-yielding se-

(Continued on page 5)

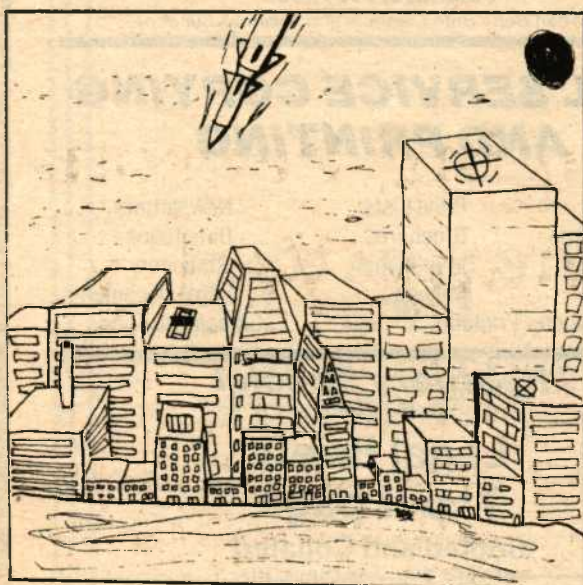
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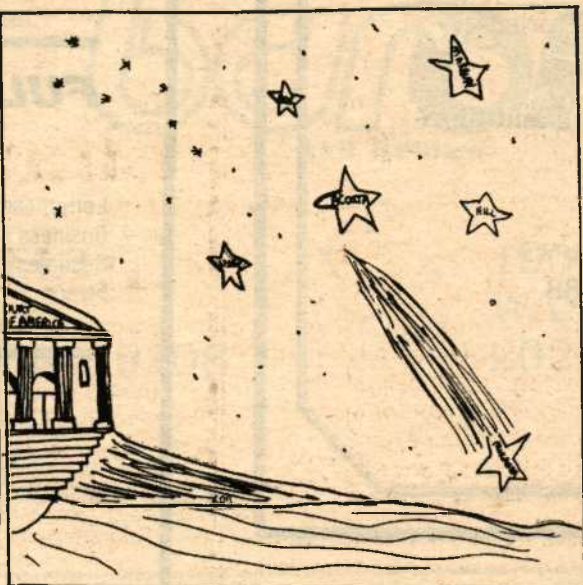
Shareholder Ratification



Framer's Intent



Foreseeable Zone of Danger



Starrie Decisis

WEISMAN'S
WORLD

by Dan Weisman

Once upon a time there was a small town known to all as Happy Valley. People called it Happy Valley because it was located in a low area between mountains and most of the people were happy most of the time.

Happy Valley was a very small town. It had only one main street called, naturally enough, Main Street. Main Street ran North to South, or 'South to North, depending on a person's perspective. Houses clustered on both sides of Main Street and the people who lived within them each tended to identify with the other people who lived on the same side as they did. Soon, there was a west side community and an east side community. Westies, as they called themselves, preferred football and believed that Main Street ran South to North. Hence, they looked North for the future. Easties, on the other hand, liked soccer and looked South for the future.

The situation remained static for many years. Easties and Westies minded their own business and tried to pretend that the other side of the street didn't really exist. No one ever spoke to each other except during the annual Fourth of July picnic, when everyone put aside their differences and played baseball together in the middle of the street. They also held peace parades and let local politicians make boring speeches in public.

One day, an incident occurred. It was during the height of the Fourth of July celebration. Politicians from both sides shared a podium, muttering incoherent platitudes, while everyone else either slept, recovered from bad hot dogs, or played pick-up games of baseball. Since most people were asleep, no one could be really certain about what happened. Those who knew told differing accounts, depending upon which side they were loyal to.

All that is known for certain is this. A baseball sailed through the window of Westie leader, John Jameson, causing much damage to it. The noise awakened everyone. The Westies all immediately blamed the Easties for this horrible breach of etiquette and demanded either compensation or retribution. The Easties all blamed the incident on an insidious Westie plot to dominate both sides of Main Street. Jameson and his Eastie counterpart, James Johnson, then held a meeting to assess blame and entertain local reporters.

Jameson started, "It was your eight-year old who was at bat when it happened. No one else could have done it. Don't you Easties know how to raise your children?"

Johnson quickly replied, "Your kid was pitching. Maybe we wouldn't have so many problems if he'd stop throwing beanballs." "So, you admit that that worthless kid of yours hit a baseball through my window?"

"I admit no such thing. Whatever happened is all your kid's fault. Eastie children don't do those things."

"Okay Johnson, that's it." Jameson stormed into his house and shortly reappeared with a baseball bat and several balls. He then proceeded to whack baseballs in the general direction of Johnson's windows, directly

across the street. He hit two.

As the crowd dispersed, Johnson stomped across his front lawn and hurled vile epithets back at Jameson. He then vowed revenge before slamming his front door. Jameson just sat on his porch and waved his bat in a menacing manner.

Over the next few days, life gradually returned to its usual state of affairs. Easties and Westies went about their business and totally ignored each other except for occasional juvenile delinquents spraypainting insulting graffiti on public buildings. Westies continued to play football, Easties continued to play soccer and tourists continued to be ripped off by merchants on both sides of Main Street.

Then one day Eastie chief James Johnson unveiled the machine he had been secretly working on in his basement. It was a set of extremely large speakers aimed across the street at John Jameson's house. He had the speakers hooked up to a six hour tape recorded message repeating over and over, "Westies are no good, slimy pit vipers with the charisma of dead eels."

Obviously, Jameson could not allow this to continue without appropriate retaliation. He set up even bigger speakers which could go up to 220 decibels. He cranked them to the maximum and broadcast insulting messages 24 hours a day.

Johnson then set up a new machine on his front lawn. It automatically fired baseballs across the street at Jameson's windows. It wasn't particularly accurate but at 20 baseballs per minute, it didn't have to be. The effect was still felt. Jameson then built a wall in front of his house to block the baseballs. To further indicate that he was serious, he set up a heat-seeking baseball launcher on top of the wall. It tended to hit windows and people trying to use the front door of his enemy's house.

Johnson then built an even higher wall than Jameson's. The gun turrets across the top were an especially nice touch. Within months, both houses were surrounded by 100 foot high walls and deep moats. Both sides had armed themselves with everything from baseball launchers to mortars to, God forbid, the infamous Big Bang Baby Boomer. The latter was an especially fiendish device in that it weighed but a few pounds yet could turn a city block into pre-cooked chop suey.

To protect themselves, each side also set up elaborate early warning devices. The early warning devices couldn't stop the Big Bang Baby Boomer from being unleashed but it ensured that the victim could launch his Big Bang Baby Boomer before being turned into pre-cooked chop suey. Hence, whoever launched first would also be turned into pre-cooked chop suey.

As this continued, the seasons changed. The geese flew south and then back north. The early daffodils bloomed followed inevitably by dandelions and crabgrass. Finally, the Fourth of July returned.

As per Happy Valley's usual custom, hordes of citizens paraded up and down Main Street. Eventually, they came to the spot midway between the Jameson and

(Continued on page 2)

FEATURES

Hardship Policy Adopted...

New Course Offered

by Carolyn Moran

"Lawyering Skills," a new category five class offered this semester provides students with a unique opportunity to gain firsthand knowledge and practical experience from attorneys who are acknowledged experts in their fields.

The course, conceived by Dean Murray, is taught by outstanding practitioners in areas such as banking, domestic relations and international law. Each expert lectures on the particular problems encountered by practitioners in these fields, but not covered in a typical law school course. In addition, lecturers can give practical tips on solving these problems based on their own experience.

One appealing aspect of "Lawyering Skills" is the interaction that takes place between the guest faculty and the students. Prior to attending the lecture on a particular subject, the student is given a problem to work on, such as drafting a commercial lease. During the lecture, the student learns more about the requirements of this document, and he or she must then submit the final draft before a deadline.

The time limitation for each assignment is intended to simulate the real-life pressures of a practicing attorney. The expert will then evaluate each student's answer, pointing out its strengths and weaknesses. During the next lecture, the expert gives an in-depth analysis of the problem and a general critique of the answers he or she received. The purpose of this process is to give the student an

inside look at how experts tackle daily problems.

The lecturers are an outstanding group of local practitioners. Two of the faculty are VLS alumni: Sandra Schultz Newman, Partner, Astor, Weiss & Newman, an expert in domestic relations law and James W. Schwartz, Partner, Saul, Ewing, Remick & Saul, an expert in commercial and securities law, who has also lectured at Penn.

Other lectures include Kenneth M. Cushman, a partner in Pepper, Hamilton & Scheetz, with a national reputation as a construction contract expert; George G. Loveless, a partner in Morgan, Lewis and Bockius, and an expert on banking loan and creditor law; Stuart F. Ebby, a partner in Toll, Ebby & Gough, real estate expert, lecturer and writer on title insurance and commercial lease matters; Herbert F. Goodrich, Jr., a partner in Dechert, Price & Rhoads, where he heads the corporate group; and John T. Subak, Group Vice President and General Counsel, Rohm & Haas Company, one of the leading corporate counselors in the country. Jack B. Justice, a partner in White & Williams, will participate during a future semester.

Due to the personalized nature of the course, enrollment has been limited to fifteen students this semester. However, if enough interest is shown in pre-registration, Dean Garbarino has indicated that more experts will be contacted and more sections opened next fall.

Student-Faculty Committee Solves Problems; Gets Results

by Jeanne Rapley

Everyone at the Law School at one time or another has run into some sort of administrative hassle whether its been exam scheduling, bulletin board space for your organization, or any number of problems that occur as part of life at school. If you don't know where to turn to find the solution to your problem, you might want to try the Student-Faculty Committee.

This committee acts as a liaison between students and faculty, and consists of representatives from all law school organizations. Currently, the committee is addressing the exam scheduling conflict, and has sent a resolution to the faculty. At its last meeting, the committee congratulated the faculty for passing a new hardship policy. The minutes of the last meeting and the hardship policy are reprinted below.

Another meeting of the committee will be held soon. Students should watch the weekly bulletin for an announcement — meetings are open to everyone. Anyone who has any questions or concerns for the committee can contact James Eicher, committee chairman, by dropping a note in his mailbox.

Organizational Meeting

1. James Eicher was elected chairman of the committee.
2. The representative of the Environmental Law Group brought 3 issues before the committee:

A. **Computers:** The group feels there is a need for hard disc space on the computers in the library. The equipment neces-

sary would cost about \$1300. Prof. John Dobbyn said this was a purely administrative matter and the group should talk to Dean Robert Garberino.

B. Funding for the Env. Law Group:

The organization had received no funding from SBA as of the meeting — it was listed in the **Docket** as t.b.a. It seems the group had turned in a very general request, for which funding was denied. Frank Correll, representing the SBA said the request was turned in late and that the SBA asked for a more definite statement before granting funding. Correll isn't sure that a statement was ever resubmitted. The representative was particularly concerned about funding for two symposiums. James Eicher suggested he talk to Dean Garberino and the SBA and if nothing happens, get back to the committee.

C. Bulletin Board:

The group would like to have a space on the bulletin board to call their own. Correll said plans were currently underway to split up the big bulletin board by the Student Lounge for use by all groups.

3. There has been a great deal of student concern over the reading period for exams being shortened to 2 days. Dobbyn explained this had been done to eliminate exams on Sundays, and because of the large number of conflicts, exams had to start earlier (with Christmas they cannot run later). He also indicated that the schedule for coming years is always published in advance and opinions on it are invited for. Dobbyn also indicated the faculty voted against publishing the exam schedule for use in selecting classes because the faculty felt choosing a class based on exam schedule was the wrong reason for picking a class.

4. The committee passed a resolution on the reading period issue as follows:

Dobbyn is directed to convey our discussion and desire to be involved

in the process of setting up reading days. Further, the committee would like the matter addressed as soon as possible before next year's schedule is set.

5. The Women's Law Caucus representative, Ann Kloeckner, extended congratulations to the faculty for passing the Pregnancy Hardship Resolution. This provides that those who leave school from sickness/pregnancy won't lose their class standing, as is normally associated with leaving school.

6. Motion to adjourn was made by Correll and seconded by Mike Logue. Meeting was adjourned at 4:23.

Hardship Policy

Upon petition of a student showing extreme personal hardship, the Associate Dean for Academic Affairs may grant the following relief, with the following academic consequences. Examples of such hardship include, but are not limited to, unusual financial or family obligations, illness, or pregnancy. Honors or prizes already earned will not be affected by relief subsequently granted.

1. **Leave of Absence** — Upon return, the student will retain his or her cumulative grade point average and will be ranked with the class with which he or she graduates. If the student graduates in December, he or she will be ranked in the next graduating class. The student will be eligible for academic honors, Order of the Coif, Law Review, and Moot Court Board in the ordinary course as a member of the class with which he or she is ranked.

2. **Reduced Academic Load Without a Delay in Graduation** — This relief is not available to first year students. There is no minimum number of credits which the student will be required to take in any particular semester. The student will retain his or her class rank and be considered for academic honors, Order of the Coif, Law Review, and Moot Court Board in the ordinary course.

3. **Reduced Academic Load With a Delay in Graduation** — This relief is not available to first year students. There is no minimum number of credits which the student will be required to take in any particular semester. The student will retain his or her

(Continued on page 6)



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(Continued from page 3)

curities," junk bonds are a lot riskier than their Triple-A rated brethren.

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1978 to 1983.

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\$1,000.

Some 40 mutual funds — known as "High-Yield Bond Funds" — now buy lower-rated bonds for their portfolios. Some invest heavily in these issues; others hedge their risk with substantial holdings of top-rated corporate bonds and Treasuries. Over the past 10 years, high-yield funds returned an average of 10 percent a year to their investors, according to Lipper Analytical Services. By contrast, A-rated bond funds returned an average of 9.5 percent.

Food Drive Held

by Joe Zack

As it has for the past several years, Villanova Law School recently sponsored a food drive to help feed the hungry of the Delaware Valley. During the week of January 20-24, monetary donations were collected from students, faculty and staff. These donations were then forwarded to two worthy charities in the Philadelphia area. The first was Sacred Heart Church in Camden, which distributes emergency food to families in need. Many of these

families run out of food as their money runs out at the end of the month. In addition to this year-round service, Sacred Heart also distributed Christmas baskets of food to over 700 families.

The second recipient of food drive donations was St. Francis Inn, located in Kensington. St. Francis runs a soup kitchen and on a typical winter night they feed at least 200 of the local needy.

The 1986 food drive netted a total of \$800, which was then distributed to the two organizations.

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Environmental Law Month Begins

by John Serpico

The Environmental Law Group has declared February as Environmental Law Month. Various programs and luncheons will be planned throughout the month, featuring films and speakers on environmental law issues that are currently affecting the nation and the Philadelphia area. These programs promise to be both interesting and informative, as well as a must for all law students in light of the substantial growth of the law of the environment and the increasing extent to which environmental issues affect us all.

Increased awareness, as well as increased pollution has resulted in the relatively recent growth of environmental law. Since the early 1970's the environment has become an important and major concern for the government and various industries, as well as for the public. Environmental issues facing the Philadelphia area alone include, waste disposal, (Kingsfield landfill and ocean dumping); asbestos (Philadelphia public schools); nuclear energy and waste, (Limerick Nuclear Plant in Montgomery County); acid rain, (Pennsylvania farms); and underground water contamination.

Superfund is the latest example of Congress' efforts to regulate "polluters." Regulated industries require lawyers to help them comply with government regulations and plan policies with environmental considerations. The regulated industries have in fact become the largest employers of environmental lawyers. Environmental litigation has increased and will continue to grow

as these new laws become more established and people become more aware of their rights. Corporate attorneys and general practitioners alike will increasingly come across environmental matters.

The luncheons, films and programs for Environmental Law Month promise to be very stimulating. The speakers will include attorneys and non-attorneys from regulated industries, government agencies, including OSHA and the Pennsylvania Department of Environmental Resources, and public interest groups. A Pennsylvania farmer is also scheduled to appear to discuss the effects of acid rain on his farmland.

The topics generally will include: acid rain, hazards in the workplace, waste disposal, hazardous waste, underground contamination, asbestos, Superfund, and employment in the environmental field. The luncheons will be held in the faculty dining room and students are invited to bring their lunch.

The exact dates, program titles, and names of the speakers were not available by the time of this issue's release but will be available in the VLS Newsletter. Notices will be posted throughout the school. Information can also be obtained from an Environmental Law Group member or Carolyn King, the group's chairperson. All students are encouraged to attend the activities.

Environmental Law Index

The Environmental Law Group is also busy trying to complete the Environmental Law Index. This index when completed will be a

vital research tool for all environmental lawyers in Pennsylvania. It will provide, for the first time, a topical index to Environmental Hearing Board decisions. This Board is the major adjudicative body for effecting state environmental policies and its decisions are highly influential. This index will be an invaluable tool for environmental lawyers and will bring substantial recognition to Villanova.

David Buzzell has continued to spearhead the project which the group plans to complete this semester. Mrs. Buzzell must also be recognized for her substantial contribution of time and effort in doing most of the computer typing.

December 13...

Course Changes Highlight Meeting

Contributions — Dean Murray announced a current total of approximately \$85,000 in contributions for the library.

Course Changes — The Curriculum Committee reported its recommendation of the addition for the Spring, 1986 semester only of a Category V course entitled "Business Tax Planning." The addition was approved. The Committee also recommended the cancellation of Advanced Corporate Tax for the 1986-87 academic year. The cancellation was approved.

Finding Solutions: Student-Faculty Committee

(Continued from page 4)

cumulative grade point average and will be ranked with the class with which he or she graduates. If the student graduates in December, he or she will be ranked in the next graduating class. The student will be eligible for academic honors and Order of the Coif. But the student will not be eligible for an invitation to Law Review or Moot Court Board on the basis of grades earned while on a reduced academic load. The student does retain the option of gaining membership on the Law Review through the open writing competition, and if the student is already a member of the Law Review or Moot Court Board, his or her membership will not be affected.

4. Up to 4 Credits of Courses at Another Law School — Except as provided in number five, if a student wishes to take more than four credits at another law school, he or she must petition the Faculty. If four or fewer credits are transferred from another school, the Associate Dean for Academic Affairs shall stipulate the minimum grade to be obtained in the courses at the other law school before credit will be granted. In all cases, grades received in courses at another law school will not be recognized in

determining the student's grade point average. If no more than 4 credits are transferred from another school, the student will be given a class rank and will be eligible for earned honors and election to membership in the Order of the Coif. If more than 4 credits are transferred, the student will not be given class rank, nor eligible for honors based on cumulative performance, nor for membership in the Order of the Coif. In either event the student will not be eligible for an invitation to Law Review or the Moot Court Board on the basis of grades earned while on a reduced academic load. The student retains the option of gaining membership on the Law Review through the open writing competition.

5. Third Year or One Semester of the Third Year at Another Law School — The Associate Dean for Academic Affairs shall approve the courses taken at the other law school and shall stipulate the minimum grade to be obtained in such courses. The student will not retain his or her cumulative grade point average, will not be ranked and will not be eligible for honors, Order of the Coif, or membership on the Law Review or Moot Court Board on the basis of grades.

VLS Grad Elected

Malvern resident Laurance E. Baccini was recently elected Vice-Chancellor of the Philadelphia Bar Association. Members elected Baccini, a partner at the law firm of Schnader, Harrison, Segal and Lewis, during the Association's Annual Meeting at the Bellevue-Stratford Hotel last month.

Baccini, a graduate of Drexel University and Villanova University School of Law, has held a variety of committee positions in the American, Pennsylvania and Philadelphia Bar Associations.



Laurance E. Baccini

PDP Party Bops, Boogies On

by Brenda Ruggiero

On Saturday, January 18th, Phi Delta Phi hosted a "Bop Till You Drop" dance party. The event, which benefitted the Special Olympics, was held in conjunction with Temple and Delaware law schools. Perry Fioravanti, president of Phi Delta Phi, reported that along with help from S.B.A., his organization will be able to donate \$300 to the Special Olympics.

The dance party tentatively replaced the Fun Run which Phi Delta Phi has held for the past few years. It was felt that more students would be able to participate in a function of this kind. Fioravanti expressed his hope that the function would be continued as an annual event.

Students from the three law schools and friends "bopped" to the music of two bands and disc jockey Rob Preston. First year student Kristine Schmidt made her Villanova Law School debut as a singer with the band "Void Where Prohibited." Schmidt's career with the band started with an impromptu performance as a substitute singer at a New Year's Eve party. She stated "that singing with a band is something I have always wanted to do; but never expected to do in law school." VLS

students also in the band are bass player Andrew Soto and keyboard and guitar player Jamie Famiglio, both second years.

The highlight of the evening was the dance contest. There were three qualifying rounds, with the couples who placed first and second, participating in an "Anything Goes" final round. DJ. Rob Preston promised that the final round would be different and it was just that. The couples were judged not only on their dancing abilities, but on originality and personality. The couples found themselves dancing to the themes of Bonanza, The Jetsons, The Flintstones, I Dream of Jeannie, Love Boat and The Adams Family.

After considerable deliberation, the panel of judges determined that the winning couples were: 1st Lisa Girard and Fran Fitzsimmons, who won 2 tickets to the Barrister's Ball, courtesy of S.B.A.; 2nd Bruce Famiglio and his date, who won a trip to Elk Mountain, courtesy of Villanova Law School Ski Association; and 3rd Patrice Norton and Gene Riccardo, who won a \$25 gift certificate to Al E. Gators.

Phi Delta Phi's next event will be a St. Valentine's Day Massacre Cotillion to be held on Friday, February 14th.

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SPORTS

Workouts to Chase Away those Winter Blahs

by Jennie Rapley

Well sports fans, welcome back to a new semester. Now that softball season is over, have any of you given any thought to what you're going to do to keep in shape for the next season? Wouldn't you just hate for spring to come and then find out that your big winter parka isn't the only thing padding your body — that some how you seem to have grown your own winter coat? Remember too, that keeping active is a great way to work off those law school frustrations and chase away the winter blahs. Okay, I've got you interested, right? Well let me tell you. . .



Creating a strategy for the Great Grades Race.

1. **Street Hockey:** What better way to work off some tension than to pretend that puck you're slapping around is your favorite (?) professor's head. VLS has a growing number of participants in this sport. They play Friday afternoons at 2:30, weather permitting, on the tennis courts. The "rink" used is approximately the size of one of the tennis courts. If you'd like more information contact Perry Fioravanti.
2. **Swimming:** Did you know that swimming is just about the best all-around exercise you can get? Villanova has two pools: one across the street in St. Mary's and one over in the new John Dupont field house. St. Mary's is open, so is the new one.
3. **Running:** Yes, believe it or not, running in the winter can be a lot of fun. As long as you remember to wear lots of

layers (including a hat and mittens), and stretch out well, you'll find you're not cold at all. Believe me, I've been out there — I know. It's a great way to clear your head before you settle in for a night of studying.

4. **Weight Training and Aerobics:** Check out your local Ys and health spas. A lot of them have winter specials, so if you shop around you can probably get a good deal. Further incentive: joining a club is a great way to meet people who discuss things other than law and aren't concerned with the tort liability that would attach if you accidentally dropped a ten pound weight on someone's toe!!

5. **Skiing:** The obvious winter sport. Organize a trip for a day or a weekend to the Poconos for your friends. Don't let the fact that you've never skied deter you: most slopes

have a package deal that includes a lesson for beginners. VLS also has a ski club that provides trips at a reasonable price.

In addition to the more "traditional" activities listed above, I've got a few suggestions of my own:

1. **The Great Grades Race:** Students watch anxiously to see which will get here first — grades or spring. This is a great exercise in patience and restraint. I know if I have to wait much longer, I won't have any hair left.
2. **The Big Bump-Off:** This activity requires a lot of coordination and physical determination. Stand outside rooms 29 and 30 between classes. Be patient. At about 25 minutes before the hour, start working your way against the traffic towards the student lounge. See how many people you can accidentally bump into. Score one

point for each person you hit, and one additional point for each book the person drops.

3. **Hurry Up and Wait** (for women only): Drink a Diet Coke right before class. Half-way through class, realize that you desperately need to visit the ladies' room. DIE through the rest of class. After class ends, run out of

Check to make sure your car insurance is paid.

Enough is enough!! I hope something I've mentioned strikes your fancy. Remember, intramural basketball season is under way if you're into spectator sports. Phi Delta Phi is also sponsoring another volleyball tournament this semester — get out your knee pads and beer mugs. See you on the courts, sports fans!!



Turn three of the Parking Lot Obstacle Course.

the room, beating the other 110 people out the door. Head straight for the women's room near the student lounge. Stand in line for five minutes because the two toilets that broke last semester are still out of order.

4. **The Parking Lot Obstacle Course:** Maneuver in and out of ditches (compact cars beware — you may not come out) and around construction. Squeeze past the car coming in the much narrowed County Line exit as you leave.

VLSSA Skis Into Its Second Season

by Lois Schwagerl

Villanova Law School Ski Association (VLSSA) hosted its first trip to Camelback, in the Poconos, on January 14. First and third year students teamed-up in the true ski bum spirit. Approximately half of Camelback's twenty-seven trails were open. The day's conditions were cold, but the lift lines were short. The trip was enjoyable and almost safe. By general consensus the most impressive fall goes to Rob Barron. The tree came in second.

After only one season of VLSSA's existence, upcoming ski events for Beginners, Novices, Intermediates, and Experts are already planned. One of the founding members, Paul "The Czar" Brinkmann explains that the group wants to promote Law School camaraderie with transportation, discounted lift tickets, and beverage [Apres Ski — social activity, as at a ski lodge]. If you need more information about upcoming trips, rentals, buying equipment, or ski tips, see any member of the Villanova Law School Ski Association.

THIS MONTH'S "SKI TIPS"

- 1] Lean forward for better control.
- 2] Use the edge of the hill.
- 3] Feet apart on the ice.
- 4] Mix 1 part vodka; 3 parts O.J.; and Apres Ski.

Sports Law: Playing for Keeps

by Paul L. Brinkmann

When someone mentions the term "Sports-Law," most people imagine attorneys acting as player representatives in contract negotiations. Although this accounts for a large percentage of the money generated in this field, it is actually only a narrow area within the broad topic of sports law.

Let me start by stating that the term "Sports-Law" is actually a misnomer. There is no independent field of study under such a topic as would be in constitutional or criminal law. Albeit, it is rapidly developing into its own and some schools do offer courses in Sports Law. But sports law really is simply the application of the various disciplines, such as anti-trust and labor law to issues arising out of the sports industry, an industry now being referred to by some as the new opiate of the masses.

Since the industry is so large the variety of issues that arise is likewise large. Within the area of sports law one can expect issues arising from the multitude of different sports in both the professional and amateur ranks. Overall we see the majority of the problems arise with the governing bodies' rules and regulations. Owners, athletes and other affected interests continuously question the legitimacy of these rules.

Although the issues that arise from the professional and amateur sports contexts are similar in some respects, they are two different fields which must be treated separately. Many important and interesting developments occur in the amateur sports field however, and I will focus upon pro sports in order to give a general overview of the developments in sports law.



If these guys made the NBA, would you want to be their attorney?

A significant portion of the litigation occurring in sports law results from the application of federal anti-trust laws to professional sports. The Sherman Act prohibits contracts, combinations, and conspiracies in restraint of trade. This act has been the major vehicle for the development of sports law. Today, however, players' unions bargain collectively with the owners and have thereby insulated certain activities from the application of the Sherman Act. So the role of anti-trust law may be declining while the role of labor law is in-

creasing.

The conflict in most situations consists of protecting the interests of the individual athlete from unreasonable restraints on the one hand, while at the same time, attempting to protect the general welfare of the sport itself, which definitely requires cooperation among the owners who comprise the organization.

The Professional Sports Leagues, Associations, and Organizations have engaged in self-regulation. The regulations serve a number of functions, one of which is to ensure that the li-

imited number of superstars are developed and distributed in such a way as to make the quality of competition high. It is unlikely the public will spend their limited entertainment dollars to see mediocre athletic competition. Hence the drafts, salary cap, and other regulations which serve the interests of all teams by evenly distributing the superstars.

While the self regulation is good for the Professional Association, it does not necessarily promote the best interests of the individual athlete. The career of a professional athlete is exceptionally short and it is therefore in his best interest to strike his best bargain. But with the drafts and other player restraints he is unable to do so.

The pending litigation between Kenneth Davis and the National Football League (NFL) illustrates the situation. Davis, a senior at Texas Christian University (TCU), was suspended from the football team for taking cash payments from school alumni. Since his playing career at TCU was over, he attempted to join the pro ranks of the NFL for the remainder of the 1985-86 season. But the NFL's "Red Grange" rule prohibits an athlete from playing on a college and professional team in the same year. Under the NFL Rule Davis will not be eligible for the draft until the summer of 1986. Now Davis is challenging the rule in a 13-million dollar lawsuit.

Aside from the various issues resulting from the application of the Sherman Act to professional sports, some of the other issues developing in sports law include mandatory drug testing, workman's compensation for athletes, collective bargaining and torts in sports.

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